

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE BARRY WHITE FAMILY TRUST U/A/D: : 24cv7509 (DLC)
DECEMBER 18, 1980, BY ITS DULY :
EMPOWERED TRUSTEES, : ORDER

Plaintiffs, :

-v-

JOE COOLEY, RODNEY DAVID OLIVER p/k/a :
RODNEY-O, d/b/a NOT INTRESTED :
PUBLISHING, :

Defendants. :

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DENISE COTE, District Judge:

This Order addresses four recent motions filed by defendants Joe Cooley and Rodney Oliver. It is hereby ORDERED that Cooley's June 2 motion (ECF No. 107) is denied. Cooley principally seeks to compel the production of documents. A motion to compel discovery may only be filed if a party fails to produce discovery material within the time permitted by the Federal Rules of Civil Procedure, this Court's Orders, or the parties' agreement. Cooley claims that the plaintiffs' counsel failed to follow the Court's instruction at the April 24 conference to have a discussion with him, but Cooley has not shown that to be true.

IT IS FURTHER ORDERED that Oliver's June 2 motion to strike (ECF Nos. 108, 109) is denied. Oliver seeks to strike

an exhibit attached to the plaintiffs' February 21 opposition to the defendants' motion to dismiss (which was denied as moot by an Order of April 11). The plaintiffs identified that exhibit as a license agreement, and do not reference it in connection with any current motion. The Court declines to strike this material, which bears on the issues in this case. The request to strike is also untimely and procedurally improper, including because it does not concern a pleading. See Fed. R. Civ. P. 12(f); Brown v. Maxwell, 929 F.3d 41, 51 n.42 (2d Cir. 2019).

IT IS FURTHER ORDERED that Oliver's June 16 motion to strike (ECF Nos. 112, 113, 114) is denied. Oliver requests that the Court strike "all references to the musical composition 'Like That' from the Amended Complaint, discovery, and any argument presented in this case." This material also bears on the issues in this case, and this request to strike is once again untimely and procedurally improper.

IT IS FURTHER ORDERED that Oliver's June 18 motion for a discovery conference (ECF No. 115) is denied. Oliver shall ensure that Necole Key signs the Confidentiality Agreement by July 1, 2025. Failure to do so may result in an order to show cause. The plaintiffs need not respond further to the defendants' discovery requests until Key signs the

confidentiality agreement.

Dated: New York, New York
June 24, 2025



DENISE COTE
United States District Judge